

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|--------------------------|---|----------------------|
| JOHN MAXWELL MONTIN, |) | |
| |) | |
| Plaintiff, |) | 4:09CV3153 |
| |) | |
| v. |) | |
| |) | |
| BILL GIBSON, CEO, DR. Y. |) | MEMORANDUM AND ORDER |
| SCOTT MOORE; DR. RAJEEEN |) | |
| CHATURVEDI; and MARC |) | |
| OSTRANDER, |) | |
| |) | |
| Defendants. |) | |
| |) | |

This matter is before the Court on defendants Bill Gibson and Marc Ostrander's motion for leave to file amended answer (Filing No. [54](#)). Plaintiff has not responded to this motion. (See Docket Sheet.)

Federal Rule of Civil Procedure 15(a) provides that a "court should freely give leave [to amend pleadings] when justice so requires." [Fed. R. Civ. P. 15\(a\) \(2\)](#). In *Foman v. Davis*, the Supreme Court explained that absent "undue delay, bad faith or dilatory motive on the part of the movant . . . undue prejudice to the opposing party by virtue of allowance of the amendment" or "futility of amendment," leave should "be 'freely given.'" [371 U.S. 178, 182 \(1962\)](#). After careful review, the Court finds that defendants' motion for leave to file amended answer will not cause undue delay or prejudice and is not filed in bad faith.

IT IS ORDERED that defendants' motion for leave to file an amended answer is granted.

DATED this 17th day of May, 2011.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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